

**In the Circuit Court for Lawrence County, Alabama
Thirty-Sixth Judicial Circuit
State of Alabama**

**ADMINISTRATIVE ORDER NO. 8 REGARDING
ADMINISTRATIVE ORDERS
ENTERED BY THE SUPREME COURT OF ALABAMA
And
ORDERS ISSUED BY THE LAWRENCE COUNTY COMMISSION**

WHEREAS, since March 13, 2020, the Supreme Court of Alabama, the Honorable Chief Justice Tom Parker, presiding, has entered numerous administrative orders concerning the operation of the courts of this state (collectively, “the Supreme Court Orders”) during the state of emergency declared by the Governor of this State and by the Supreme Court;

WHEREAS, following entry of the Supreme Court Orders, this Court entered a series of administrative orders, including, most recently, entering on July 31, 2020, “ADMINISTRATIVE ORDER NO. 7 REGARDING ADMINISTRATIVE ORDERS ENTERED BY THE SUPREME COURT OF ALABAMA and ORDERS ISSUED BY THE LAWRENCE COUNTY COMMISSION” (“ADMIN Order 7”) and entering on August 3, 2020, “ADMINISTRATIVE ORDER NO. 7.1 REGARDING ADMINISTRATIVE ORDERS ENTERED BY THE SUPREME COURT OF ALABAMA and ORDERS ISSUED BY THE LAWRENCE COUNTY COMMISSION” (“ADMIN Order 7.1”), both of which effected changes to “ADMINISTRATIVE ORDER NO. 6 REGARDING ADMINISTRATIVE ORDERS ENTERED BY THE SUPREME COURT OF ALABAMA and ORDERS ISSUED BY THE LAWRENCE COUNTY COMMISSION” (“ADMIN Order 6”); and

WHEREAS, since the entry of ADMIN Order 7 and ADMIN Order 7.1, certain intervening orders of the Governor of Alabama have been entered extending and expanding her “Safer at Home” order that necessitate changes and amendments to ADMIN Order 6, as amended by ADMIN Order 7 and 7.1;

NOW, BE IT ORDERED that, until further order of this Court, as follows:

1. The following enumerated paragraphs in the ADMIN Order 6 are amended to read as follows:

3.6. “*Court participants*” refers, as to a particular court proceeding, to all persons required to attend and participate in the court proceeding as a juror, an attorney, party or witness, and specifically excludes Court Officials. Victims of criminal conduct who have a right to be present per Ala.Code §§ 15-14-50 et. seq. are included in this designation.

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3.16. “*Resumption Phase Two*” refers to the period of time between the end of Resumption Phase One and October 2, 2020.

3.17. “*Resumption Phase Three*” refers to the period of time between October 3, 2020 and November 30, 2020.

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3.9 “*Disqualifying condition or circumstance*” refers to the following circumstances that disqualify a person from entry into a court facility pursuant to an in-person court proceeding:

3.9.1. Within the 14 days prior to the court proceeding (or date of attempting to enter the court facility), the person

3.9.1.1. Had a confirmed positive test for COVID-19, but had no symptoms of the disease arise;

3.9.1.2. At any time had close contact (that is, for at least 15 minutes over a twenty-four period was within 6 feet or closer) with a person who tested positive for COVID-19, but had no symptoms arise, within the 14 days prior to the close contact; OR

3.9.1.3. Lived in the same household as a person who tested positive for COVID-19, but had no symptoms arise;

3.9.2. Prior to the court proceeding (or date of attempting to enter the court facility), the person had tested positive for COVID-19 and exhibited symptoms of the disease, but at least 10 days had not passed since the onset of symptoms OR at least 24 hours had not passed after recovery (the resolution of fever without the use of fever-reducing medications with progressive improvement or resolution of other symptoms) (such recovery being certified by a medical professional).

3.9.3. The person is in a period of isolation or quarantine as ordered or advised by a medical professional related to or arising out of a diagnosis of COVID-19 of the person or some other person.

- 3.9.4. At the time of attempted entry of the court facility or within 24 hours of attempted entry, the person (a) experienced or exhibited symptoms of COVID-19 (with or without diagnosis by a medical professional), including but not limited to shortness of breath, persistent cough, difficulty breathing, new olfactory disorder, fever (measured or subjective), chills, rigors, myalgia, headache, sore throat, nausea/vomiting, diarrhea, congestive/runny nose or extreme, unusual fatigue, or (b) otherwise “feels” or “felt” sick.
- 3.9.5. At the time of attempted entry of the court facility, the person had a fever of 100.00 or greater as read by a noncontact thermometer.
- 3.9.6. At the time of attempted entry of the court facility, the person was awaiting the results of a COVID-19 test.
- 3.9.7. At the time of attempted entry of the court facility, the person had close contact (that is, for at least 15 minutes over a twenty-four period was within 6 feet or closer) with a person who is waiting for the results of a COVID-19 test within the 14 days prior to the close contact.
- 3.9.8. At the time of attempted entry of the court facility, the person lived in the same household as a person who is waiting for the results of a COVID-19 test within the last 14 days.
- 3.9.9. At the time of attempted entry of the court facility, the person lived in the same household with or had close contact (as defined in 3.9.7 above) within the immediately prior 48-hour period with a person who has or is reasonably expected to have a disqualifying condition or circumstance as defined herein.
- 3.9.10. Notwithstanding any other provision to the contrary, for purposes of the definition of “disqualifying condition or circumstance” that refer to persons waiting on or awaiting the results of a COVID-19 test, such refers only to individuals who are required to be tested (1) because of the presence of COVID-19 symptoms; (2) because of possible exposure to someone diagnosed with or possessing symptoms of COVID-19; or (3) because of the specific requirements or advice of a medical professional. Such references do not include persons awaiting test results for the presence of COVID-19 solely because of the requirements of the GuideSafe™ Entry Testing applicable to students attending or intending on attending a two-year or four-year institution of higher learning located in the State of Alabama, or any similar programs applicable to college or K-12 students. Further, such references do not include persons awaiting test results for the presence

of COVID-19 where the testing is required solely because the person is included in a large group or classification of persons who are required to be tested in order to participate in some activity, employment or educational pursuit, including possible required testing of students to participate in sports or extracurricular activities.

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3.11. “Mask” refers to a cloth or similar material designed or intended to reduce the transmission of respiratory diseases covering a person’s nostrils and mouth and affixed such that the covering can remain in place without being held in place by a hand. Masks can never obscure or the eyes of the wearer. Masks should never be of such a quality or arranged in such a way as to make speech by a speaking wearer unintelligible. Masks can include full face shields made of a transparent plastic or similar material that are designed or intended to reduce the transmission of respiratory diseases.

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4. REGARDING JURY TRIAL:

4.1. No jury trials shall be scheduled by any court until September 28, 2020.

4.1.1. For all jury proceedings following entry of this Order, all jurors shall be summonsed via the Alacourt Online Juror Response System.

4.1.2. All jurors seeking excuse **must** process that excuse via the Alacourt Online Juror Response System. Those who assert that they cannot access the online system will be directed to the Clerk who will logon and enter the Juror excuse information via the Alacourt Online Juror Response System.

4.1.3. No juror shall be allowed for further consideration if (1) at the time they are responding, they have a disqualifying condition or circumstance, or (2) they reasonably anticipate having a disqualifying condition or circumstance as of the dates of the jury trial.

4.1.4. All jurors who are at increased risk for severe illness from COVID-19 per CDC regulations shall be excused from service. In making this determination, the Court shall consider the guidelines identified by the Centers for Disease Control (as of the date of this instant order, these may be found at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>).

4.1.5. No later than Wednesday of the week prior to the start of jury trial, 32 qualified and non-excused potential jurors shall be randomly selected by the Clerk of the Court and told to report to the LCJAC Monday at 8:30 a.m. for processing.

4.1.6. Voir dire of the reporting jury panel shall be conducted in at least two sessions of no more than 16 jurors in each session.

4.1.7. Jury deliberations will occur in a room designated by the Court and configured to permit social distancing protocols compliance. If that room is subject to the court's video surveillance system, all cameras that may show or reflect juror activity during deliberations shall be turned off.

4.1.8. All court participants, Court Officials and court attendees shall observe social distancing protocols during all jury trial proceedings and all protocols requiring the wearing of masks.

5. REGARDING COURT ENTRY PROCEDURES:

5.1. Every Court Official, court participant and court attendee entering or attempting to enter a court facility in order to attend a court proceeding must be screened prior to entry by designated court security staff; provided, however, that court officials may self-screen by assessing whether they have a disqualifying condition or circumstance and shall determine whether they have a fever of 100.0 or higher within 2 hours of attempting to enter the court facility.

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Unless modified by the above, all other provisions of ADMIN Order 6, as amended by ADMIN Order 7 and 7.1, remain in full force and effect.

It is ORDERED that the Circuit Clerk shall spread this Order upon the minutes of the Court, provide the Alabama Administrative Office of Courts with a copy of this Order which Office will in turn send a copy to the Alabama State Bar Association, post a copy on the Lawrence County Circuit Court Clerk's official website, otherwise cause a copy of this Order to be specifically filed of record in each matter in which the referenced video or audio conference procedures are employed to conduct any proceedings, and serve a copy of this Order upon the Sheriff of Lawrence County, Alabama, upon the local office of the Alabama Board of Pardons and Paroles, upon the District Attorney of the Thirty-Sixth Judicial Circuit, and upon the Court Referee of this Circuit.

DONE AND ORDERED, this 31st day of August, 2020,

A handwritten signature in black ink, reading "Mark B. Craig". The signature is written in a cursive, flowing style. The "M" is large and loops around the "a". The "B" is also large and loops around the "C". The "i" has a small dot. The "g" has a long, sweeping tail that extends to the right.

MARK B. CRAIG
Presiding Circuit Judge
36th Judicial